

McGREGOR W. SCOTT  
United States Attorney  
BOBBIE J. MONTOYA  
Assistant U. S. Attorney  
501 I Street, Suite 10-100  
Sacramento, California 95814-2322  
Telephone: (916) 554-2700  
Fax: (916) 554-2900  
SARAH RYAN  
Special Assistant U.S. Attorney  
333 Market Street, Suite 1500  
San Francisco, CA 94105  
Telephone: (916) 977-8943  
Fax: (415) 744-0134

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

## GLENDON JAMES HAYES, JR.,

Plaintiff,

V.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

CASE NO. 2:05-CV-00179-PAN (JFM)

**STIPULATION AND ORDER  
REMANDING THE CASE TO THE  
COMMISSIONER OF SOCIAL  
SECURITY AND DIRECTING THE  
CLERK TO ENTER JUDGMENT**

IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and with the approval of the Court as provided below, that the Commissioner has agreed to a voluntary remand of this case pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. The purpose of the remand is to offer Plaintiff a new administrative hearing at which he may present any additional evidence he chooses, and a new decision. Upon remand, the Appeals Council will direct the Administrative Law Judge (ALJ) to associate all Plaintiff's disability application and claims files and include all the evidence in those files in the final record; obtain updated records and medical source statements from Plaintiff's treating and other medical sources, including the county mental health clinic where Plaintiff received treatment.

1 The ALJ will also be directed to obtain supplemental testimony from a medical expert and re-  
2 assess Plaintiff's ability to perform his past relevant work and, as needed, other work that exists  
3 in significant numbers in the national economy

4 It is further stipulated that the administrative decision is hereby vacated and that the  
5 Clerk of this Court shall be directed to enter a separate judgment herein, as provided for under  
6 Rules 58 and 79(a) of the Federal Rules of Civil Procedure, pursuant to Shalala v. Schaefer, 509  
7 U.S. 292, 113 S. Ct. 2625 (1993).

8 DATED: November 9, 2006

/s/ David J. Linden<sup>1</sup>

DAVID J. LINDEN

Attorney at Law

10 Attorney for Plaintiff

11 DATED: November 9, 2006

12 McGREGOR W. SCOTT

United States Attorney

13 BOBBIE J. MONTOYA

Assistant U. S. Attorney

14 By: /s/ Bobbie J. Montoya for

15 SARAH RYAN

Special Assistant U. S. Attorney

16 Attorneys for Defendant

17 OF COUNSEL:

18 LUCILLE GONZALES MEIS

Chief Counsel, Region IX

U.S. Social Security Administration

24  
25 <sup>1</sup> The signature page bearing the original signatures of the  
26 attorneys who are filing this document is filed as an attachment  
hereto. See Local Rule 7-131(e).  
27

## ORDER

This matter is hereby remanded pursuant to the stipulation of the parties. The Clerk is directed to enter Judgment.

APPROVED AND SO ORDERED.

DATED: November 16, 2006.

John F. Worldwide  
UNITED STATES MAGISTRATE JUDGE

13  
Hayes.stipord.rem.ss.wpd